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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,709	12/21/2005	Achim Kraus	081276-1081-00	8170
23409 7590 10/02/2009 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER GRAHAM, GARY K	
			ART UNIT 3727	PAPER NUMBER
			MAIL DATE 10/02/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,709	<b>Applicant(s)</b> KRAUS ET AL.	
	<b>Examiner</b> Gary K. Graham	<b>Art Unit</b> 3727	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051221 &amp; 20080502</u> .                                 | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Muehlporte et al (US patent 5,878,631).

The patent to Muehlporte discloses the invention as is claimed. Muehlporte discloses a wiper device (fig. 15) comprising a support (1) on which a tubular bearing (3) is arranged within a receptacle or hole thereof. The bearing supports a wiper shaft (4). A retaining element, in speed nut or clip form (15), detachably connects the bearing to the support.

With respect to claims 6 and 13, note plate (14) that is fastened to a flat area of collar (22) on the support (1).

Claims 1-5 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisiecki (EP patent 0703128).

The patent to Lisiecki discloses the invention as is claimed. Lisiecki discloses a wiper device (figs. 4,5) comprising a support (10) on which a tubular bearing (14) is arranged within a receptacle or hole thereof. The bearing supports a wiper shaft (not shown but disclosed). A retaining element, in clip form (30), detachably connects the bearing to the support.

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Claims 1-3, 6, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Predeau et al (EP patent 0739793).

The patent to Predeau discloses the invention as is claimed. Predeau discloses a wiper device (figs. 2,5) comprising a support (44) on which a bearing (20) is arranged within a receptacle (82) thereof. The receptacle is formed by a flattened area of the support (see figure 4) against which a plate (60) of the bearing rests. The bearing includes a tube (50) which supports a wiper shaft (32). A retaining element (78) detachably connects the bearing to the support.

With respect to claim 7, note that one of the elements (78) as well as element (66) can be considered as a breaking element, at least as far as defined.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 5, 8, 9 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Predeau et al (EP 0739793) in view of Tallberg (US patent 2,124,440).

The patent to Predeau discloses all of the above recited subject matter with the exception of using a speed nut to retain the bearing on the support.

It is initially pointed out that use of speed nuts to couple components together is well established. Further, the patent to Tallberg discloses attachment of a base structure (M) to a support structure (H) by use of speed nuts (K) engaging with posts (F,G) extending from the base structure through holes in the support structure.

It would have been obvious to one of skill in the art to employ posts on the bearing structure passing through holes in the support structure to be locked or held by speed nuts, as is well known and as suggested by Tallberg, to simplify and speed assembly of the wiper device. Tallberg clearly suggests use of speed nuts to couple two components together. Such a connection arrangement could readily be employed in Predeau.

With respect to claims 9 and 16, note figures 2 and 4 wherein numerous “steps” can be seen which form inclined planes, at least as far as defined.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/  
Primary Examiner, Art Unit 3727

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GKG

30 September 2009